

ILLINOIS POLLUTION CONTROL BOARD
May 4, 2023

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| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 23-113 |
| |) | (Enforcement - Water) |
| OKAW TRUSS, INC. an Illinois corporation, |) | |
| |) | |
| Respondent. |) | |

ORDER OF THE BOARD (by B.F. Currie):

On April 28, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Okaw Truss, Inc. (Okaw). The complaint concerns Okaw’s commercial and residential construction component manufacturing facility located at 368 East State Highway 133, Arthur, Douglass County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.


Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that Okaw violated Section 12(a) and (f) of the Act, 415 ILCS 5/12(a), (f) (2020), and Section 309.102(a) of the Board’s Water Pollution Regulations, 35 Ill. Adm. Code 309.102, by causing, threatening, or allowing the discharge of stormwater associated with industrial activity into waters of the State in violation of the National Pollutant Discharge Elimination System (NPDES) permit program and thereby causing or tending to cause water pollution. The Board finds that the complaint meets the applicable content requirements of the Board’s procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On April 28, 2023, simultaneously with the People’s complaint, the People and Okaw filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Okaw admits the alleged violations and agrees to pay a civil penalty of \$8,500.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written comment or demand for hearing within 30 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 4, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board